

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
PECOS DIVISION

DAVID VEJIL

Plaintiff,

v.

WILLIAM W. BASNETT

Defendant.

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Cause No. 4:21-cv-00084

WILLIAM W. BASNETT'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to sections 1332, 1441, and 1446, Title 28 of the United States Code, William W. Basnett ("Mr. Basnett") respectfully files this Notice of Removal, removing Cause No. 21-10-24149 from the 143rd Judicial District Court of Reeves County, Texas to the United States District Court for the Western District of Texas, Pecos Division, as follows:

I. Procedural History

1. On October 7, 2021, Plaintiff David Vejil ("Plaintiff") filed his Original Petition in the 143rd Judicial District Court of Reeves County, Texas, Cause No. 21-10-24149, based on a motor vehicle accident, which occurred in Reeves County, Texas and allegedly resulted in injuries to Plaintiff.
2. In the Original Petition, Plaintiff alleges he is a resident of Reeves County, Texas. Ex. A, State Court Record, Pl's. Pet. at 1.
3. Plaintiff further alleges Mr. Basnett is not a resident of Texas, and that Mr. Basnett's last known residence is from the State of Georgia. *Id.*

4. Plaintiff seeks damages not in excess of \$500,000.00, but greater than \$250,000.00 for past medical and future medical expenses, past and future physical pain and suffering, past and future mental anguish, past and future physical impairment, and past and future property damage. *Id.* at 2-4. Plaintiff has requested a jury trial. *Id.* at 5.

5. Mr. Basnett now timely removes this case to federal court.

II. Grounds for Removal

6. Subject matter jurisdiction exists in this case pursuant to section 1332, and therefore, removal of this case to federal court is proper because the amount in controversy is in excess of \$75,000 and diversity exists among the parties.

A. The amount in controversy exceeds \$75,000.

7. Pursuant to section 1332, the amount in controversy must exceed the sum or value of \$75,000. 28 U.S.C. § 1332(a).

8. Plaintiff seeks damages not to exceed \$500,000. Ex. A, Pl.'s Orig. Pet. at 2. Plaintiff also seeks damages in excess of \$250,000 given Plaintiff states his claim is not governed by Texas Rule of Civil Procedure 169. *See* TEX. R. CIV. P. 169 (states a case is expedited if relief of \$250,000 or less is sought). Therefore, the amount in controversy is satisfied.

B. Total diversity exists among the parties.

9. An out of state defendant may remove a case to federal court if total diversity exists. *Flagg v. Stryker Corp.*, 819 F.3d 132, 135-36 (5th Cir. 2016).

10. Total diversity of citizenship exists because Plaintiff's citizenship is diverse from Mr. Basnett's citizenship in that (1) Plaintiff is a citizen of the State of Texas; and (2) Mr. Basnett is a citizen of the State of Georgia. Ex. A, Pl.'s Orig. Pet. at 1. Thus, complete diversity exists among the parties.

III. Proper Venue and Compliance with Removal Procedure

11. Pursuant to section 1441(a), removal to this Court is proper as the accident occurred in Reeves County, Texas. *See* 28 U.S.C. § 1391(b)(2) (“A civil action may be brought in . . . a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred”).

12. Removal of this matter to federal court is timely as Mr. Basnett removed this matter within thirty (30) days of being served with a copy of Plaintiffs’ Original Petition, the point at which this matter became removable, *see* 28 U.S.C. § 1446(b), and within one year of the commencement of this action, *see id.* § 1446(c)(1).

13. Mr. Basnett will properly give Plaintiff written notice of the filing of this Notice of Removal as required by section 1446(d). Mr. Basnett will also promptly file a copy of this Notice of Removal with the District Clerk of the 143rd Judicial District Court of Reeve County, Texas, Cause No. 21-10-24149-CVR.

14. True and correct copies of all process, pleadings, and the Orders served in the State court action are being filed with this Notice of Removal, as required by section 1446(a). *See* Ex. A, State Court Record.

Accordingly, William W. Basnett, pursuant to and in conformity with the requirements set forth in section 1446, respectfully remove Cause No. 21-10-24149-CVR from the 143rd Judicial District Court of Reeves County, Texas to the United States District Court for the Western District of Texas, Pecos Division.

Respectfully submitted,

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By: /s/ Oscar A. Lara
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Attorneys for William W. Basnett

CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing document was served on the parties through their counsel of record via the Court's electronic service and via email, as follows, on this 19th day of November, 2021:

/s/ Oscar A. Lara
OSCAR A. LARA